

file Negro education

COPY

Commonwealth of Virginia
Office of the Attorney General
Richmond

November 29, 1940.

Dr. Sidney B. Hall
Superintendent of Public Instruction,
State Board of Education,
Richmond, Virginia.

Dear Dr. Hall:

This is in reply to your letter of November 14, requesting my opinion upon the question raised by Dr. Joseph H. Saunders, Superintendent of Newport News Public Schools, in his letter to you of November 13. He asks what effect the decisions of the Federal Courts in the case of Alston, et al. v. School Board of City of Norfolk, 112 Fed. (2d) 992 (certiorari denied, 61 S. Ct. 75) will have upon the City of Newport News and other cities and counties in the Commonwealth of Virginia.

In this suit it was alleged by Alston, a Negro school teacher of Norfolk, Virginia, that the School Board and Superintendent of Schools of that city, in fixing the salaries of teachers in the public schools of Norfolk, arbitrarily fix the salaries of Negro teachers at a lower rate than that paid to white teachers of equal qualifications and experience, and performing the same duties and services.

The Circuit Court of Appeals, which was not called upon to decide whether the alleged facts existed, remanded the case to the District Court with instructions that, if the allegations of the complaint should be established, the plaintiffs would be entitled to a judgment to the effect that the discriminatory policy complained of is violative of their rights under the Constitution and to an injunction restraining defendants from making any discrimination on the grounds of race or color in fixing salaries to be paid school teachers.

This opinion speaks for itself and clearly forbids discrimination on the grounds of race or color in fixing salaries to be paid school teachers in the public schools of the State. Whether this decision will necessitate any change in the differentials in teachers' salaries fixed by any city or county of the State will depend entirely upon the factual question of whether such differentials are based upon differences in the qualifications and experience of the teachers and the duties and services performed by them, or whether they are based upon race or color. This is, of course, primarily a matter to be determined by the local school boards whose duty it is to fix the salaries of the teachers.

With best wishes, I am

Sincerely yours,
(Signed) Abram P. Staples,
Attorney General